

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE NEW YORK TIMES COMPANY,  
NICHOLAS CONFESSORE, and GABRIEL  
DANCE,

Plaintiffs,

v.

FEDERAL COMMUNICATIONS  
COMMISSION,

Defendant.

18 Civ. 8607 (LGS)

**STIPULATION AND ORDER  
REGARDING ATTORNEYS' FEES  
AND COSTS**

WHEREAS plaintiffs The New York Times Company, Nicholas Confessore, and Gabriel Dance (collectively, "Plaintiffs") filed this suit in the United States District Court for the Southern District of New York pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, seeking the release of certain records by defendant Federal Communications Commission ("FCC"), in connection with an earlier administrative request for the same records;

WHEREAS, by Opinion and Order dated April 30, 2020, the Court granted summary judgment to Plaintiffs and denied summary judgment to the FCC, and judgment was entered on April 30, 2020;

WHEREAS, on June 26, 2020, the FCC filed a notice of appeal before the United States Court of Appeals for the Second Circuit, and on September 25, 2020, the FCC withdrew its appeal with prejudice; and

WHEREAS, all parties seek to resolve Plaintiffs' claims for attorney's fees and costs on the terms provided herein, in the interest of judicial economy.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

1. After the Court has endorsed and docketed this Stipulation as an Order of this Court, the FCC shall pay to Plaintiffs via electronic funds transfer the sum of THIRTY FIVE THOUSAND SIX HUNDRED AND TEN dollars (\$35,610.00) in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum Plaintiffs agree to accept in complete satisfaction of any and all claims by Plaintiffs for attorneys' fees, expenses, costs, interest, and any other sums related to this litigation. Counsel for Plaintiffs will provide the necessary information for the FCC to effectuate the electronic funds transfer. FCC will undertake its best efforts to pay the amount agreed to within 60 days after the Court has endorsed and docketed this Stipulation and Order.

2. The parties understand and agree that the amount agreed to is a compromise of a claim and there is no admission by either party regarding liability for, or the amount of, fees that could be sought or recovered in this action.

3. The parties agree that this Stipulation is non-precedential with respect to any other proceeding against the FCC, the United States, or any agency or instrumentality of the United States.

4. The parties understand and agree that this Stipulation contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

5. The Court shall retain jurisdiction to enforce the terms of this Stipulation.

6. The undersigned representatives of the parties certify that they are fully authorized by the parties they represent to enter into and execute the terms and conditions of this Stipulation. By signature below, all parties consent to this Stipulation.

Dated: New York, New York  
December 2, 2020



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Dated: New York, New York  
December 2, 2020

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By: 

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SO ORDERED:

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THE HONORABLE LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE